

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

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United States of America

Case No. : 4:02-cr-00751-CWH-1

VS.

James Christopher Anderson

ORDER

On July 23, 2002, a federal grand jury charged James Christopher Anderson (the “defendant”) with conspiracy to distribute and to possess with intent to distribute 50 grams or more of cocaine base, commonly known as crack cocaine, in violation of 21 U.S.C. § 841(a)(1). On October 3, 2002, the defendant pleaded guilty. On April 30, 2003, the Court sentenced the defendant to 188 months in prison, to be followed by 5 years of supervised release. On May 13, 2003, judgment was entered. The defendant appealed his sentence, but subsequently filed a motion to dismiss the appeal, which was granted by the Fourth Circuit Court of Appeals on January 30, 2004.


On July 25, 2014, the defendant filed a pro se motion asking that this Court appoint counsel to assist him in filing a motion “concerning the new minus 2 amendment” (Mot., ECF No. 233). The defendant contends that he is indigent and cannot hire an attorney. (*Id.*).

The Court construes the defendant's request as one for the appointment of counsel to assist him in seeking a reduction of his sentence pursuant to the recent amendment to Policy Statement §1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range), as promulgated by the United States Sentencing Commission and made public on July 18, 2014. The Court is not aware of any authority that would permit it to appoint counsel for the

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defendant. Moreover, it is well-settled that there is no right to the appointment of counsel with respect to a motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). United States v. Legree, 205 F. 3d 724, 730 (4th Cir. 2000). It follows, then, that there would be no right to the appointment of counsel for a motion brought pursuant to the amendment to Policy Statement §1B1.10, which likewise is a vehicle by which a sentence may be reduced. Therefore, the defendant's motion (ECF No. 233) is denied.

AND IT IS SO ORDERED.


C. WESTON HOUCK
UNITED STATES DISTRICT JUDGE

July 29, 2014
Charleston, South Carolina

